

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
11445 Compaq Center Drive West
Houston, TX 77707

Attorney Docket No.: 200309899-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Xiaofang Lin et al.	Confirmation No.:	8162
Serial No.:	10/769,240	Examiner:	Zenati, Amal S.
Filed:	January 30, 2004	Group Art Unit:	2614
Title:	SYSTEM AND METHOD FOR LANGUAGE VARIATION GUIDED OPERATION SELECTION		

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF - PATENTS

Sir:

Appellants respectfully submits this Reply Brief in response to the Examiner's Answer mailed on March 5, 2009, and thus this Reply Brief is timely filed within two months of the Examiner's Answer.

TABLE OF CONTENTS

	PAGE
(1). STATUS OF CLAIMS	3
(2). GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.	3
(3). ARGUMENTS	4-7
<u>Arguments With Respect To Independent Claims 1, 21, 22 and 24</u>	4-6
<u>Arguments With Respect To Dependent Claims 2-20 and 23</u>	7
(4). CONCLUSION.	8

(1) Status of Claims

Claims 1-24 are pending and rejected. All pending claims are hereby appealed.

(2) Grounds of Rejection to be Reviewed on Appeal

I Whether claims 1-15, 22 and 24 are unpatentable under 35 U.S.C. §103(a) over Das et al (US Patent No. 6,847,714) in view of Bala (US Patent No. 6,798,876).

II Whether claims 16-21 and 23 are unpatentable under 35 U.S.C. §103(a) over Das et al. (US Patent No. 6,847,714), Bala (US Patent No. 6,798,876) and one or more of Bahler et al. (US Patent No. 4,896,358), Mitsa (Image Registration Using Elastic Contours And Internal Landmarks, IEEE Instrumentation and Measurement Technology Conference St. Paul, Minnesota, USA 18-20, 1998) and Gupta (US Patent No. 6,122,361).

(3) Arguments

Claims 1-15, 22 and 24 were finally rejected as being unpatentable under 35 U.S.C. §103(a) over Das et al. in view of Bala. Claims 16-21 and 23 were finally rejected as being unpatentable under 35 U.S.C. §103(a) over Das et al., Bala and one or more of Bahler et al., Mitsa and Gupta.

In the Examiner's Answer, on pages 9-12, Examiner has responded to arguments Appellants have presented in the Appeal Brief. Appellants respectfully maintain that the cited references either alone or in combination fail to teach or suggest each of the elements of the claims at issue. The following remarks are in response to Examiner's arguments presented in Examiner's Answer on pages 9-12.

Arguments With Respect to Claims 1, 21, 22 and 24

Independent claim 1 recites a method for performing operator selection. The method includes *inter alia* determining a skill level with respect to a language variation for each operator within a set of operators following the initiation of a dialog between the contact and the call handling system, the skill level for each operator within the set of operators being determined on a real time basis while each operator is engaged in a dialog with a contact that has been transferred to that operator.

Independent claim 21 recites a method for performing operator selection. The method includes *inter alia* determining a skill level with respect to the language variation associated with the contact for each operator within a set of operators following the initiation of the dialog between the contact and the call handling system, the skill level for each operator within the set of operators being determined on a real time basis while each operator is engaged in a dialog with a contact that has been transferred to that operator.

Independent claim 22 a computer-usable medium embodying computer program code for performing operator selection including *inter alia* determining a skill level with

respect to the language variation for each operator within a set of operators following the initiation of the dialog between the contact and the call handling system, the skill level for each operator within the set of operators being determined on a real time basis while each operator is engaged in a dialog with a contact that has been transferred to that operator.

Independent claim 24 recites a system for operator selection. The system recites *inter alia* means for determining a skill level with respect to the language variation for each operator within a set of operators following the initiation of the dialog between the contact and the call handling system, the skill level for each operator within the set of operators being determined on a real time basis while each operator is engaged in a dialog with a contact that has been transferred to that operator.

Examiner has stated in the Final Action, that Das et al. does not teach determining the skill level for each operator within the set of operators on a real time basis while each operator is engaged in a dialog with a contact that has been transferred to that operator as recited by claims 1, 21, 22 and 24. Examiner relies on the following passages in Bala in arguing that Bala teaches that *the skill level for each operator within the set of operators is determined on a real time basis while each operator is engaged in a dialog with a contact* as recited by independent claims 1, 21, 22 and 24.

The system monitors the call data and determines if the call was successful or not successful. The system then updates the customer profile and the customer service representative profile, which accordingly impacts the system algorithm for determining a routing choice (column 4, lines 66-67 and column 5 lines 1-3)

...automatically updating, at the completion of the call, the caller profile and the highest rank customer service representative profile with information regarding the success of the call. (column 6, lines 15-18)

Appellants respectfully disagree with Examiner. While Bala teaches monitoring call data and determining whether a call was either successful or not successful, Bala does not teach or even suggest making a determination regarding the skill level of the customer service representative on a real time basis while the customer service representative is engaged in a dialog with a customer. Furthermore, while Bala specifies that the customer service representative profile is updated at the completion of the call, there is no teaching in Bala directed to when a determination is regarding the skill level of the customer service representative. In other words, Bala does not disclose the skill level for each operator within the set of operators being determined on a real time basis while each operator is engaged in a dialog with a contact as recited by claims 1, 21, 22 and 24.

Examiner further argues that:

“Monitoring call data during the actual call” is read as “determining the skill level for the operator on a real time basis while the operator is engaged in a dialog with a contact that has been transferred to that operator,” since, in Bala system, the skill level for the operator is determined by monitoring call data that show information regarding the success of the call.

Bala teaches that “The system monitors the call data and determines if the call was successful or not successful.” (column 4, lines 66-67). A determination regarding whether an entire call was successful or not successful cannot be made until the call has been completed. In other words, not only does Bala not disclose determining the skill level of an operator on a real time basis while the operator is engaged in a dialog with a contact as recited by claims 1, 21, 22 and 24, Bala does not even disclose determining whether a call was successful or not successful on a real time basis while the customer service representative in engaged in a dialog with a customer.

Since the references cited by Examiner, either alone or in combination fail to disclose *determining the skill level for each operator within the set of operators on a real time basis while each operator is engaged in a dialog with a contact*, Appellants respectfully request that the rejection of claims 1, 21, 22 and 24 as being unpatentable be withdrawn.

Arguments With Respect to Claims 2-20 and 23

Claims 2-20 and 23 stand rejected as being unpatentable over Das et al., Bala and one or more of Bahler et al., Mitsa and Gupta. Claims 2-20 dependent from independent claim 1 and therefore include the elements recited by claim 1. Claim 23 depends from independent claim 22 and therefore includes the elements recited by claim 22.

Appellants respectfully submit that the above-stated deficiencies Das et al. and Bala are not cured by the disclosures of Bahler et al, Mitsa and Gupta. Since the cited references either alone or in combination fail to disclose or even suggest that it would be desirable or even possible *to determine the skill level for each operator within the set of operators on a real time basis while each operator is engaged in a dialog with a contact* as recited by the claims at issue, Appellants respectfully request that the rejection of claims 2-20 and 23 as being unpatentable over Das et al., Bala and one or more of Bahler et al., Mitsa and Gupta be withdrawn.

PATENT

Atty Docket No.: 200309899-1
App. Ser. No.: 10/769,240

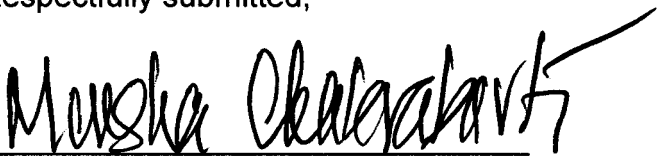
(4) Conclusion

For at least the reasons given above, the rejections of claims 1-24 are improper. Accordingly, it is respectfully requested that such rejections by Examiner be reversed and these claims be allowed.

Respectfully submitted,

Dated: May 5, 2009

By



Manisha Chakrabarti
Registration No.: 41,665

MANISHA CHAKRABARTI, ESQ.
3108 South Route 59
Suite 124-282
Naperville, Illinois 60564
(630) 355-3376